

00-*R*-1753

THIS ADVERSE REPORT IS APPROVED

BY: Rosalind Rubens Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

## CONSENT AGENDA

# VERSE REPORT

1. Public Safety

10/31/00

C. C. A. Kinsler

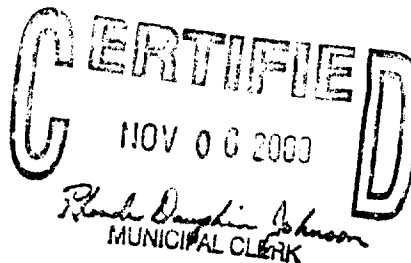
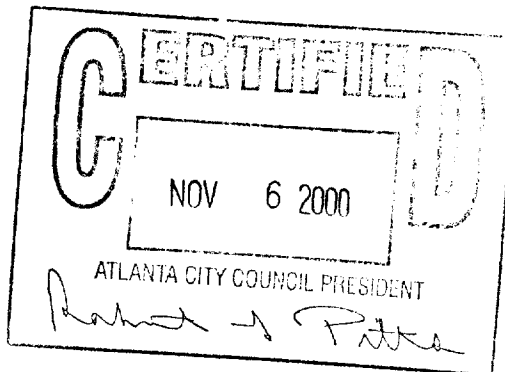
Dany Alchib

Marshall

*[Handwritten signature]*

Very Love

ADVERSED BY  
CITY COUNCIL NOV 06 2000





## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

November 16, 2000

Kenneth S. Nugent  
Attorney at Law  
1355 Peachtree Street  
Suite 1000  
Atlanta, GA 30309

00-R-1753

RE: Janice Hayes

Dear Attorney Nugent:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on January 03, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: **Claims Division/Law Department**

**DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. 99L0499

Date: October 17, 2000

Claimant /Victim JANICE HAYES  
BY: (Atty) Kenneth S. Nugent  
Address: 1355 Peachtree Street, Suite 1000, Atlanta, Georgia 30309  
Subrogation:        Claim for Property damage \$        Bodily Injury \$ 10,000.00  
Date of Notice: 08/11/99 Method: Written, proper X Improper         
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 07/06/99 Place: Pryor Road and Ashwood Avenue  
Department Public Works Division: Waste Water Services  
Employee involved Reginald Banks Disciplinary Action:       

NATURE OF CLAIM: The driver of the City vehicle was driving too fast for conditions, lost control of the vehicle and collided with the claimant's vehicle. However, the claimant has rejected the City's settlement offer.

**INVESTIGATION:**

Statements: City employee        Claimant        Others        Written        Oral         
Pictures        Diagrams        Reports: Police X Dept Report X Other         
Traffic citations issued: City Driver X Claimant Driver         
Citation disposition: City Driver        Claimant Driver       

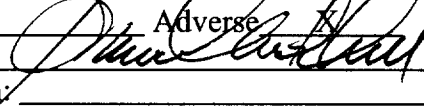
**BASIS OF RECOMMENDATION:**

Function: Governmental X Ministerial         
Improper Notice        More than Six Months        Other        Damages reasonable         
City not involved        Offer rejected X Compromise settlement         
Repair/replacement by Ins. Co.        Repair/replacement by City Forces         
Claimant Negligent        City Negligent X Joint        Claim Abandoned       

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

**RECOMMENDATION:**

Pay \$        Adverse X Account charged: 1A01        2J01        2H01         
Claims Manager:  Concur/date 10-17-00  
Committee Action:        Council Action

**KENNETH S. NUGENT, P.C.**  
**ATTORNEYS AT LAW**

1355 PEACHTREE STREET  
THE PEACHTREE, SUITE 1000  
ATLANTA, GEORGIA 30309  
(404) 875-0900  
FAX (404) 872-7562

KENNETH S. NUGENT  
JOHN T. RUFF  
WILLIAM D. HOLMAN \*  
JOHN C. FORBES, JR.  
MICHAEL R. KRAMER  
RUSSELL T. DEUTSCHMAN  
ADAM W. DEEVER  
JOHNNIE C. WAGES  
TERI D. PODUVAL  
BARBARA L. BARNETT ♦  
WENDY A. HEANEY  
M. BRIAN CLEMENTS

ENTERED - 8-10-99 - SB  
99L0499 - MIKE REEVES

July 28, 1999

OFFICES  
THROUGHOUT  
GEORGIA

\* ALSO ADMITTED IN TENNESSEE  
♦ ADMITTED IN ALABAMA

*Reeves*  
*08/11/99*  
*DR*

VIA CERTIFIED MAIL

City of Atlanta  
Department of Law  
68 Mitchell Street, S.W.  
Atlanta, GA 30335-0332

RE: Client : Janice Hayes  
Insured : Dept. of Public Works  
Date of Accident : 07/06/99  
Our File No. : 214772

Dear Sir/Madam:

Our firm represents Janice Hayes for personal injuries sustained as a result of the referenced accident.

Enclosed, please find a copy of the police report for your file.

Pursuant to O.C.G.A. 33-3-28, please forward to me a copy of all coverage information that may provide liability or med-pay coverage for the above-styled incident. Under the code section you have 60 days to provide an affidavit of coverage or a certified copy of the policy declaration page. Also find enclosed is our Affidavit requesting your policy declaration page.

In addition, please contact our office to discuss the property damage portion of this claim at your earliest convenience.

Sincerely,

*Ken Nugent*

Kenneth S. Nugent, Esq.  
KSN/aeb

Enclos.

00-*ℓ*-1753

RCS# 2356  
11/06/00  
2:45 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1-17

ADOPT

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 1

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

Y McCarty  
B Starnes  
Y Bond  
Y Winslow

Y Dorsey  
Y Woolard  
Y Morris  
Y Muller

Y Moore  
Y Martin  
Y Maddox  
Y Boazman

Y Thomas  
Y Emmons  
Y Alexander  
NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
00-R-1422  
00-R-1666

CONSENT

		11/06/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSE ON CONSENT AGENDA	ITEMS ADVERSE ON CONSENT AGENDA
1. 00-O-1577 2. 00-O-1586 3. 00-O-1615 4. 00-O-1661 5. 00-O-1663 6. 00-O-1670 7. 00-R-1578 8. 00-R-1685 9. 00-R-1780 10. 00-R-1659 11. 00-R-1688 12. 00-R-1689 13. 00-R-1704 14. 00-R-1722 15. 00-R-1723 16. 00-R-1708 17. 00-R-1774 18. 00-R-1709 19. 00-R-1710 20. 00-R-1711 21. 00-R-1712 22. 00-R-1713 23. 00-R-1714 24. 00-R-1715 25. 00-R-1717 26. 00-R-1718 27. 00-R-1719 28. 00-R-1720 29. 00-R-1721	30. 00-R-1716 31. 00-R-1724 32. 00-R-1725 33. 00-R-1727 34. 00-R-1728 35. 00-R-1729 36. 00-R-1730 37. 00-R-1731 38. 00-R-1732 39. 00-R-1733 40. 00-R-1734 41. 00-R-1735 42. 00-R-1736 43. 00-R-1737 44. 00-R-1738 45. 00-R-1739 46. 00-R-1740 47. 00-R-1741 48. 00-R-1742 49. 00-R-1743 50. 00-R-1744 51. 00-R-1745 52. 00-R-1746 53. 00-R-1747 54. 00-R-1748 55. 00-R-1749 56. 00-R-1750 57. 00-R-1751 58. 00-R-1752	59. 00-R-1753 60. 00-R-1754 61. 00-R-1755 62. 00-R-1756 63. 00-R-1757 64. 00-R-1758 65. 00-R-1759 66. 00-R-1760 67. 00-R-1761 68. 00-R-1762 69. 00-R-1763 70. 00-R-1764 71. 00-R-1765 72. 00-R-1766 73. 00-R-1767 74. 00-R-1768 75. 00-R-1769 76. 00-R-1770 77. 00-R-1771 78. 00-R-1772 79. 00-R-1773